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C O N F I D E N T I A L SECTION 01 OF 02 DUBAI 000581

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DEPARTMENT FOR G/TIP, INL, DRL, NEA/RA, NEA/ARP, L/DL

TAGS: [PREL](#) [PHUM](#) [KCRM](#) [ELAB](#) [UN](#) [RP](#) [AE](#)
SUBJECT: ACTING PHILIPPINE CG BRIEFS AMBASSADOR LAGON ON TRAFFICKING CONCERNS

REF: DUBAI 570

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11. (C) Summary: On September 25, Ambassador for Trafficking in Persons Mark Lagon met with Philippine Acting Consul General Vicente Bandillo and his staff at the Philippine Consulate General in Dubai to discuss trafficking concerns. CG Bandillo noted that easy access to UAE visitor visas compounds potential for abuse, while changes in contract requirements have altered the profile of Filipino labor in the UAE. Calvez suggested that changing domestics' living arrangements and jurisdiction over regulation of household employees from the Ministry of Interior to the Ministry of Labor would help alleviate many of the existing concerns. While the recent UAE overstayer amnesty program helped more than 3,000 Filipinos return home, the Philippine officials said unscrupulous former employers used the program as an opportunity to extort payments from absconded workers. End summary.

12. (U) On September 25, Ambassador for Trafficking in Persons Mark Lagon, the Consul General, G/TIP Reports Officer Gayatri Patel and poleconoff notetaker met Bandillo, Philippine ConGen Labor Attache Virginia Calvez and Consular Officer Rafael Palencia, Jr. to discuss Philippine trafficking concerns.

13. (C) Only days into his Dubai posting, Bandillo was well acquainted with the trend of Philippine nationals traveling to the UAE on easily-obtained visitor visas (see refel). Often unable to find legal sponsorship (and secure the corresponding two-year work visa) and "desperate to make money", many of these Philippine nationals work illegally in the UAE and resort to spending more than one month's income every two to three months to renew their visitor visa status. Palencia noted that illegal workers are a high risk population for trafficking and other human rights abuses.

Changing wages changes demand

14. (SBU) Bandillo explained that, in an effort to curb abuses against Filipinos working legally overseas, the Philippine government reviews all overseas labor contracts. Responding to concerns of domestic worker abuse, in March 2007 the Philippine government began requiring job competency tests, as well as language and cultural training prior to validation of UAE employment contracts. Concurrently, the government also mandated a new minimum wage for overseas household workers, effectively doubling domestics' salaries in the UAE (from 700 AED to 1400 AED, the equivalent of 190 USD to 381 USD, per month). The resultant fifty percent decrease in the number of Filipino household employees in the UAE has been offset by a corresponding increase in demand for Filipino semi-skilled and

skilled workers, thus dramatically changing the profile of Filipino labor in the UAE.

Household help most vulnerable

15. (SBU) Caldez argued that domestic employees are the most vulnerable to exploitation, as they are expected to live within the employer's home and have limited external recourse. She cited excessive work hours (with little or no breaks); lack of food; and verbal, physical and sexual abuse as typical complaints. She suggested two changes to current UAE practice that, if implemented, would alleviate many of the current problems. The first change would be to allow domestics to live outside of the employer's home. Limiting proximity to the employer would remove the employee from being on call 24 hours a day, seven days a week, as well as decrease the window of opportunity for sexual and physical assault.

16. (C) A second constructive change would be to transfer jurisdiction over domestic employees from the Ministry of Interior (MOI) to the Ministry of Labor. Caldez believes the MOI is "more focused on the wrongs of the maids" and has exhibited a pattern of bias in favor of employers. She complained that when maids do seek help and lodge abuse charges against their employers, the employers "always" counter charge the victim with theft (or other) criminal charges.

Prosecute in labor, not criminal, courts

17. (C) Caldez opined that filing abuse complaints in labor courts, versus criminal courts, would actually benefit the victim by decreasing litigation expenses, because legal representation is not required in labor court proceedings.

She also noted that while victims' complaints quickly reach the

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public defenders office (usually within one week), 90% to 95% of these complaints are referred on for lengthy criminal trials, often lasting six months or longer. Since most victims are caught in two criminal trials (one as complainant and one as defendant, due to counter-charges by employers) they are not allowed to leave the UAE until both trials are resolved. During this time, the victim cannot work, (Note: The Philippine Consulate maintains a shelter for domestic workers caught in this cycle. Currently, the shelter is housing roughly 60 women.

End note.) According to Caldez, criminal lawyers representing the victims typically charge substantial fees and retainers, but perform at the bare minimum of competency, often not sharing information, status or judgments with their clients. Unfortunately, Caldez complained, "our nationals cannot afford to pay for legal representation."

Amnesty success and failure

18. (C) Bandillo used the recent UAE amnesty program for overstayers as a case in point on how Federal law is implemented unevenly. Under the program, illegal overstayers were given the opportunity to adjust their visa status or depart the UAE. During the amnesty's June 2 to September 2 window, over 3,000 Philippine nationals took advantage of the program. However, while the program provided guidelines on which workers would be allowed to return immediately (and which ones would be banned either for a set period of time or permanently from returning to the UAE), according to Bandillo the actual decisions on return bans "seemed arbitrary" with each adjudicating UAE official "following his own rules."

19. (SBU) In addition, many employers used the amnesty as an opportunity to extort additional money from their former

employees. Since a worker who has been reported as "absconding" (i.e., running away and working illegally on the black market) from his employer faces a life-time ban on re-entry to the UAE, according to Bandillo, some unscrupulous employers were demanding payments ranging from 3000 to 7000 AED (817 to 1907 USD) to retract reports that amnesty candidates had "absconded."

¶10. (U) This cable has been cleared by Ambassador Lagon.
SUTPHIN